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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CHRISTINA AVILA-SOTO, )  
 )  
Defendant. )  
 )  
 )

No. CR 09-00580 JW

STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING FROM  
APRIL 18, 2011 TO MAY 16, 2011 AND  
EXCLUDING TIME FROM THE SPEEDY  
TRIAL ACT CALCULATION

The Parties, Christina Avila-Soto and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for April 18, 2011 at 1:30 p.m. be vacated, and that the hearing be re-set for May 16, 2011 at 1:30pm. The government is requesting the continuance of the hearing due to a scheduling conflict and the need to jointly negotiate a resolution in this matter.

The parties stipulate that the time between April 18, 2011 and May 16, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: April 7, 2011

MELINDA HAAG  
United States Attorney

/s/  
SUZANNE DeBERRY  
Assistant United States Attorney

/s/  
VARELL L. FULLER  
Attorney for Defendant

~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for April 18, 2011 at 1:30 p.m. is vacated, and the matter is continued to May 16, 2011 at 1:30pm. Further, the Court ORDERS that the time between April 18, 2011 and May 16, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: April 14, 2011

  
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JAMES WARE  
UNITED STATES DISTRICT COURT CHIEF JUDGE